

Item No. 10

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1041/2018
(I.A. No. 94/2019)

Shailesh Singh

Applicant(s)

Versus

Bajaj Hindustan Sugar Ltd. (Distillery Division) & Ors.

Respondent(s)

Date of hearing: 01.03.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Ms. Preeti Singh, Mr. Shivam Jaiswal and Mr.
Suklan Porwal, Advocates

For Respondent (s): Mr. Rajkumar, Advocate for CPCB

ORDER

1. The issue for consideration is alleged pollution by M/s Bajaj Hindustan Sugar Ltd. (distillery division), village- Paliakalan, District Lakhimpur Kheri, Uttar Pradesh.
2. The Tribunal sought a report from Central Pollution Control Board (CPCB) about the factual aspects and action taken. Accordingly, a report has been received from CPCB vide e-mail dated 15.01.2019. The overall conclusion/findings are as follows:-

“It is evident from the observations that the unit is violating the ZLD action plan of CPCB and Consent to Operate condition regarding management of other effluent streams apart from spent wash. The other

effluent stream is being discharged without any treatment, directly or land inside plant premises for plantation / gardening and the quality is not conforming to the irrigation standards also, thus posing threat to the ground water. The unit is not complying with the bio-composting protocol of CPCB, with respect to improper bio composting operations, causing excess spent wash in the composting yard, provision of excess storage capacity for concentrated spent wash etc. The analysis result of the drain samples inside and outside the industrial premises shows higher values of BOD, COD and colour, indicating that possibility of contamination with industrial effluent cannot be ruled out.

Based on the observations and recommendations made in the report and in view of the reported non-compliance, CPCB has issued show cause notice u/s 5 of the Environment (Protection) Act, 1986 on 14.01.2019, as to why the unit should not be closed down until all the necessary pollution control norms / consent to Operate conditions / Protocol to the satisfaction of CPCB.”

3. The above shows that CPCB has issued show cause notice for closing the unit till appropriate pollution control measures are planned and implemented to the satisfaction of CPCB.
4. In view of the above, a case is made out for appropriate preventive and remedial action being taken by the concerned Regulatory Authorities by way of preventing the pollution, prosecuting the polluter and recovering compensation for the damage to the environment. The compensation has to be deterrent so as to ensure that pollution does not remain

profitable activity and the cost of restoring the environment is recovered from the polluters.

5. Let a joint Committee of CPCB and State Pollution Control Board oversee further action in the matter to ensure that steps as required are taken in accordance with law within three months. Nodal agency will be CPCB for coordination and compliance.

A copy of this order be sent to the above authorities by e-mail.

The application stands disposed of.

Further action taken report be furnished to this Tribunal by e-mail at ngt.filing@gmail.com on or before 30.06.2019.

The matter be put for further consideration on 12.07.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 01, 2019

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